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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,455	11/25/2003	Kim R. Smith	163.1735USU1	5980
7590 Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903				
EXAMINER				
OGDEN JR, NICHOLUS				
ART UNIT		PAPER NUMBER		
1796				
MAIL DATE		DELIVERY MODE		
07/25/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/723,455

**Applicant(s)**

SMITH ET AL.

**Examiner**

Necholus Ogden

**Art Unit**

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3, 5, 8, 10-16 and 39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5, 8, 10-16, 39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Response to Amendment***

1. Claims 1, 3-8, 10-16 and 39 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over CA (2,292,966) is withdrawn in view of applicant's amendment.
2. Claims 1, 3-8, 10-11 and 13-16 and 39 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over WO 94/14942 is withdrawn in view of applicant's amendment
3. Claims 1, 3-8, 10-16 and 39 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Misselyn et al (5,486,307) is withdrawn in view of applicant's amendment.
4. Claims 1, 3-8, 10-16 and 39 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Cummings (5,750,482) is withdrawn in view of applicant's amendment.

Claims 1, 3-8, 10-16 and 39 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-26 and 1-15 of copending Application No. 11/264,820 and 11/018,046, respectively is withdrawn in view of applicant's terminal disclaimer.

5. Claims 1, 3-8, 10-16 and 39 are rejected under 35 U.S.C. 102(b) as anticipated by EP (0630965) is withdrawn.
6. Claims 1, 3, 5, 8, 10-16 and 39 are rejected under 35 U.S.C. 103(a) as obvious over EP (0630965) in view of Cummings (5,750,482).

7. EP '965 discloses a liquid hard surface cleaning composition comprising a sequestrant comprising a maleic acid-olefin copolymer in amounts from 0.02 to 1.0 (page 2, line 50-page 3, line 11). EP '965 further includes 0.05 to about 10% by weight of detergent surfactants such as anionic, nonionic, and zwitterionic surfactants. The anionic surfactants include alkyl sulfates; sulfonates, alkoxyated sulfates and the zwitterionic surfactants include amidoalkylenesulfobetaine surfactants (pages 4-5). EP '965 further includes a buffering system comprising alkanolamines in amount from 0 to 5% by weight (page 6, lines 50-55). Moreover, the solvents of EP '965 include up to 50% by weight of glycol ethers and ethoxy alkanols (page 8, lines 39-68). See examples A-D.
8. EP '965 is silent with respect to EO/PO component.
9. Cummings discloses a non-streaking glass cleaning composition comprising a co-solvent in an amount from 0 to 10% by weight and comprises a glycol ether (col. 4, lines 15-51); 0.001 to 2% by weight of an anionic, nonionic, cationic and zwitterionic surfactant (col. 5, lines 7-64); and 0.02 to 2.0% by weight of a builder component such as a polyacrylic resin (col. 7, lines 29-35). See examples S, U and Y. Specifically, Cummings teaches that nonionic surfactants include pluronics such as ethoxylated propoxylated surfactants (col. 5, lines 55-59).
10. It would have been obvious to one of ordinary skill in the art to include the EO/PO nonionic surfactant of Cummings to the compositions of EP '965 because EP '965 teach and require the use of nonionic surfactants in hard surface cleaning compositions to aid in cleaning would have been obvious to one of ordinary skill in the art in the absence of

unexpected results because EP '965 teach and require nonionic surfactants and the inclusion of EO/PO would have been added for its intended purpose.

***Response to Arguments***

11. Applicant's arguments with respect to claims 1, 3, 5, 8, 10-16, 39 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Necholas Ogden whose telephone number is 571-272-1322. The examiner can normally be reached on M-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Necholus Ogden/  
Primary Examiner  
Art Unit 1796

7-18-2008